

Notice of Allowability

Application No.

09/916,746

Examiner

Alan S. Chen

Applicant(s)

FRASER, ALEXANDER GIBSON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on 02/06/2006.
2. ☒ The allowed claim(s) is/are 1,2,4-17,19,21-23 and 28-36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 03/20/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Supervisor/
FRITZ FLEMING
PRIMARY EXAMINER
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4/13/2006
442181

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/06/2006 has been entered.

Allowable Subject Matter

2. Claims 1,2,4-17,19,21-23 and 28-36 are allowed.

The following is the statement of reasons for the indication of allowable subject matter: The prior art disclosed by the applicant and cited by the Examiner fail to teach or suggest, alone or in combination, ***all*** the limitations of the independent claim(s) (claim 1, 14, 22 and 34), particularly an electronically readable/addressable tag with memory storing a user assignable identification/name for a device that the electronic name tag is to be connected/interfaced physically to. The user assignable identification/name is visible to the user. Further in particular, the tag has an interface (claim 1 and corresponding dependent claims), electronic connection (claims 14, 22 and corresponding dependent claims), or a connector (claim 34 and corresponding dependent claims) between the tag and device, giving the device the ability to communicate over a network using the assigned name/identification.

3. A further search yielded prior art, made of record in this Office action, but not relied upon in for a rejection of the claims, is considered pertinent to applicant's

disclosure. Patents and Patent Publications are cited in the Notice of References Cited (Form PTO-892) attached to this action to further show the state of the art with respect to electronic name tags.

US Pat. No. 6,269,342 to Brick et al. (Brick) discloses several similar features of the claims. Brick discloses an electronically readable name tag (Fig. 13, element 330x) for labeling a device (Brick discloses any product can use the label, clearly various types of devices are sold in retail), the name tag comprising: a memory for storing a user assignable name for labeling the device (Fig. 10, element 334; Column 12, lines 50+, product name is stored in the memory; Column 13, lines 50+ discloses host computer programming all the name tags with product information), the user assignable name being displayed on an exterior surface of the name tag (Fig. 13, element 300', product name is displayed on the LCD display, here "POP"; Fig. 12, lines 50-60 disclose displaying product information); and *non-electronic* interface for connecting the name tag to the device (Fig. 4, element 18, some type of adhering material on the back of name tag is connected to the device itself or near to the device), the interface being adapted to allow the user assignable name to be visible when the name tag is connected to the device (Fig. 4, element 14 is on the opposite side of the display, so that when the name tag is mounted, the LCD display faces out so one can see the display), and wherein when the interface is connected to the device (when the name tags are set in place on or next to their respective products). The major limitation missing from Brick is the lack of an interface/electronic connection/connector on the

name tag that connects electronically to the device itself in order to enable the device to communicate over the network.

US Pat. Pub. No. 2002/0120857 to Krishnan et al (Krishnan) discloses an electronic name tag (Fig. 3, element 16, SIM card), which provides a unique identification to a device (a cell phone) that enables the device to use the ID to communicate with the network. Krishnan discloses SIM card electrically able to connect with the device (Fig. 3, element 32). However, Krishnan does not indicate or provide any suggestion to having a label on the exterior of SIM card for the identification. Having the identification on the exterior of the SIM card would also appear counter-intuitive since it should be kept hidden due to security reasons.

US Pat. No. 6,340,931 to Harrison et al. (Harrison) discloses electronic name tags that identify and enable communications of material on the device the electronic tag is attached to (documents) to other network devices such as a printer (Fig. 4). However, Harrison does not disclose the document itself actively communicating with the network, but rather, only information on electronic name tags communicating with the network.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan S. Chen whose telephone number is 571-272-4143. The examiner can normally be reached on M-F 9am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim N. Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ASC
04/09/2006

Fritz Fleming
Supervisory **FRITZ FLEMING** 4/13/2006
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